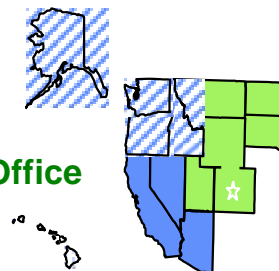




**U.S. Army Environmental Center
Western Regional Environmental Office**

REGION X - SEPTEMBER 1999



WESTERN REGION REVIEW

This publication provides current information on significant regulatory developments and related information in the Federal Region X area (Alaska, Idaho, Oregon, and Washington) that affect U.S. Army activities and operations. We appreciate your feedback and encourage suggestions for future discussion, or comments. Please contact us at U.S. Army Environmental Center, Western Regional Environmental Office, ATTN: SFIM-AEC-WR, Building 111, Commerce City, CO 80022-2108, commercial (303) 289-0125, DSN: 749-2125, FAX: (303) 289-0272, or e-mail: redgerto@pmrma-emh1.army.mil.

REGIONAL UPDATES/ALERTS AVAILABLE ON THE INTERNET

Current and past issues of the *WESTERN REGION REVIEW* for Regions VIII, IX, and X are available on the Internet at <http://aec-www.apgea.army.mil:8080/prod/usaec/ro/western/updates/wupdates.htm>.

FEDERAL REGULATORY DEVELOPMENTS
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Clean Water Act (CWA):

Administration/EPA Proposes Major Revisions to the TMDL Program

On 14 August 1999, President Clinton announced proposed revisions to the U.S. Environmental Protection Agency's (EPA) Total Maximum Daily Load (TMDL) program. The proposed rule would strengthen non-point source pollution regulation by the EPA, while allowing States to tailor solutions to non-point source pollution on a site-specific basis. Under the Clean Water Act (CWA), States are required to assess waterbodies and list those that fail to meet water quality standards. TMDLs are then developed for each impaired waterbody to which allocate loadings of certain pollutants among dischargers to that waterbody.

The EPA is also proposing to revise the National Pollutant Discharge Elimination System (NPDES) to incorporate TMDLs and allow for a credit-trading program. The revised rule may also authorize the EPA to designate certain historical non-point sources as point sources. The States maintain that the EPA does not have the authority to regulate non-point sources under the CWA, and lawsuits contesting the rule will likely be launched. The EPA expects to release the final TMDL rule in late 1999. For more information on the proposed rule, including state-by-state maps and lists of impaired waters, visit: <http://www.epa.gov/owow/tmdl/> on the Internet.

President Clinton Signs Water Resources Development Act

On 17 August 1999, President Clinton signed the Water Resources Development Act that authorizes \$6.3 billion in U.S. Army Corps of Engineers flood control, navigation, shore protection and environmental restoration projects. The Act authorizes \$200 million over five years beginning in 2001 for the "Challenge 21" program, and funding would become available upon appropriation. The Challenge 21 program is part of the President's Clean Water Action Plan and budget initiative. Challenge 21 is a pilot program for nonstructural flood control and riverine restoration. A three-page summary of the Act, prepared by the House Transportation and Infrastructure Committee, and the conference report are available at: <http://www.house.gov/transportation/index.html> on the Internet.

Endangered Species Act (ESA):**American Peregrine Falcon Delisted From the ESA**

The U.S. Fish and Wildlife Service (FWS) has determined that the American peregrine falcon (*Falco peregrinus anatum*) is no longer an endangered or threatened species pursuant to the Endangered Species Act (ESA). This determination is based on available data indicating that this subspecies has recovered following restrictions on organochlorine pesticides in the United States and Canada, and following the implementation of successful management activities, including those on military lands. This action will remove the falcon as an endangered species from the Federal List of Endangered and Threatened Wildlife, thereby removing all protections provided by the ESA. It also will remove the designation of "endangered due to similarity of appearance" for any free-flying peregrine falcons within the 48 conterminous United States. It will not affect protection provided to this species by the Migratory Bird Treaty Act, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or state laws and regulations. The American peregrine falcon is a known inhabitant of the following military installations: AMC (Deseret, Dugway Proving Grounds, Rocky Mountain Arsenal, Sierra Army Depot, and Toole); ARNG (Ashland, Navajo, and Rilea); FORSCOM (Fort Carson and Pinon Canyon); TRADOC (Fort Huachuca); USARC (Fort Hunter-Liggett); USARPAC (Fort Greeley, Fort Richardson, and Fort Wainwright). A monitoring plan was provided in the proposed delisting rule on 26 August 1998 (63 FR 45446). The FWS is currently developing a revised monitoring plan which will be made available for public review in the Federal Register in the near future. The ruling is effective as of 25 August 1999. For additional information, contact the FWS at (805) 644-1766.

Notice of Intent to Prepare an EIS on Resident Canada Goose Management

The FWS is issuing a notice to advise the public that they are initiating efforts to prepare an Environmental Impact Statement (EIS) for resident Canada goose management under the authority of the Migratory Bird Treaty Act. The EIS will consider a range of management alternatives for addressing expanding populations of locally-breeding Canada geese that are increasingly posing threats to human health and safety and injuring personal and public property. The notice describes possible alternatives, invites public participation in the scoping process for preparing the EIS, and identifies the FWS official to whom you may direct questions and comments. While the FWS has yet to determine potential sites of public scoping meetings, it will publish a notice of any such public meetings with the locations, dates, and times in the Federal Register. Resident geese control is an issue on many military installations. Contact the FWS at (703) 358-1714 for additional information.

Amendments Announced to the Listing of Nine Evolutionarily Significant Units of Salmon

The FWS is adding several Evolutionarily Significant Units (ESU's) of chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), sockeye salmon (*Oncorhynchus nerka*), and steelhead (*Oncorhynchus mykiss*) to the List of Endangered and Threatened Wildlife in accordance with the (ESA). The following ESU's of salmon are added as threatened: Puget Sound chinook, Columbia River chum, Lower Columbia River chinook, Middle Columbia River steelhead, Upper Willamette spring-run chinook, Upper Willamette River steelhead, Hood Canal summer-run chum, and Ozette Lake sockeye. The following salmon ESU's are added as endangered: Upper Columbia River spring-run chinook. These amendments are based on determinations by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, and the Department of Commerce, which has jurisdiction for these species. The effective date for listing of these ESUs is 24 May 1999, with the amendments to the list effective 2 August 1999. Contact the FWS at (703) 358-2171 for more information.

Environmental Protection and Community Right-to-Know Act (EPCRA):**EPA Proposes to Expand "Right-to-Know" About Lead Hazards**

In another step to expand the public's right to know about toxic chemicals released into local communities, the EPA is proposing to require significantly more public reporting on lead emissions. Currently, facilities are not required to report their lead and lead compound releases to the air, water and land unless they manufacture or process more than 25,000 pounds annually or use more than 10,000 pounds annually. Under today's proposal the reporting thresholds would be lowered to 10 pounds per facility per year and substantially increase the amount of information made available to the public. This action would significantly increase reporting of public information under the Toxic Release Inventory Program. Copies of the announcement are available on-line at <http://www.epa.gov/fedrgstr/> or by calling the EPA at (800) 553-0202. General information about lead is available at <http://www.epa.gov/lead/>. Information about the EPA's Toxics Release Inventory is available at <http://www.epa.gov/opptintr/tri/>.

Miscellaneous:**EPA Issues Guidance on Government Purchasing of Green Products**

On 14 September 1998, President Clinton signed Executive Order (EO) 13101, entitled "Greening the Government through Waste Prevention, Recycling and Federal Acquisition. As an outcome of the EO, the EPA developed "Acquisition of Environmentally Preferable Products and Services" guidance that assists Executive agencies in identifying and purchasing products and services that are less harmful to human health and the environment. By complying with this EO federal agencies will fulfill many of the Administration's priorities. These priorities include: 1) creating a greater demand for "greener" products and services and making them more widely available to all consumers; 2) purchasing greener products that minimize the amount of waste and toxicity; and 3) encouraging partnerships among federal agencies to share expertise in their environmentally preferable purchasing efforts. Notice of the EO is available on the Internet at <http://www.epa.gov/homepage/fedrgstr/>. More information on the Environmentally Preferable Purchasing Program is available at <http://www.epa.gov/opptintr/epp/>.

EPA Recognizes DoD's Pesticide Management Program

The EPA is giving the Department of Defense a Special Achievement Award in recognition of efforts to reduce pesticide use and risks across all of its major installations. The DoD reduced its pesticide usage by 50 percent, from 892.4 million pounds of active ingredient in 1993 to 450.6 million pounds in 1998. The DoD's Armed Forces Pest Management Board developed its pesticide risk reduction strategy in cooperation with the EPA and other federal agencies and organizations actively working to establish programs that effectively reduce health and environmental risks associated with pesticide use. More information on the DoD's program and the EPA's Pesticide Environmental Stewardship Program is available on-line at <http://www.epa.gov/pesticides/peps/>.

CONFERENCES AND SYMPOSIUMS

- **30 November - 2 December 1999: Partners in Environmental Technology - Arlington, VA.** The Strategic Environmental Research and Development Program (SERDP) will hold its 1999 technical symposium and workshop entitled "Meeting Today's Needs While Preserving Our Future." The forum will feature comprehensive sessions that will address opportunities to mitigate or eliminate environmental impacts and preserve natural resources for future generations. Contact the SERDP at (703) 736-4548 or download registration materials from the Internet at <http://www.serdp.org/>.

ALASKA***Regulatory Developments*****Air Quality:**

- **Direct Final Rule: Approval of SIP.** The EPA approves various amendments to the carbon monoxide (CO) State Implementation Plan (SIP) for Alaska. These amendments to the Alaska State Air Quality Control Plan are contained in three separate submittals to EPA, dated 6 February 1997, 1 June 1998, and 10 September 1998. The submittals include revisions to Alaska's Air Quality Control Regulations (18 AAC 50), Emissions Inspection and Maintenance (I/M) requirements for Motor Vehicles (18 AAC 52), and Fuel Requirements for Motor Vehicles (18 AAC 53). The revisions include changing the I/M program schedule for cars subject to I/M from annual to biennial, replacing the CO contingency measures for Anchorage, updating Alaska's General and Transportation conformity programs, and streamlining several portions of the Alaska Air Quality Control Plan for more efficient reading and organization. This direct final rule is effective on 1 November 1999 without further notice. For additional information, contact the EPA at (206) 553-0180.

IDAHO***Regulatory Developments***

No significant regulatory developments were noted for the State of Idaho during the reporting period.

OREGON***Regulatory Developments***

No significant regulatory developments were noted for the State of Oregon during the reporting period.

WASHINGTON***Regulatory Developments*****Solid/Hazardous Waste:**

- **Direct Final Rule: Approval of State Plans for Designated Facilities and Pollutants.** The EPA approves Sections 111(d)/129 of the State Plan submitted by the Washington Department of Ecology (WDOE) on 4 January 1999. These regulations dictate the Emissions Guidelines (EG) applicable to existing large Municipal Waste Combustors (MWCs) with capacity to combust more than 250 tons/day of municipal solid waste (MSW). See 40 CFR part 60, subpart Cb. This action is effective on 28 September 1999. For additional information, contact the EPA at (206) 553-1814.